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*Dividing and Inclosing an open Common within
the Manor and Parish of Morresby, in the
County of Cumberland.*



Whereas there is a certain open Common within the Manor of *Morresby*, in the County of *Cumberland*, which is computed to consist of One thousand and Sixty Acres, or thereabouts :

And whereas Sir *James Lowther*, Baronet, is Lord of the said Manor, and Patron of the Rectory of the Parish of *Morresby*, within the said Manor :

And whereas *William Watts* is Rector of the Parish and Parish Church there, and, as such, is intitled to the great and small Tythes arising within the said Parish, or certain prescriptive Payments in lieu thereof :

And whereas the said Sir *James Lowther*, *William Watts*, *Curwen Hudleston*, *Peter Gale*, and others, the Owners and Proprietors of Lands within

within the said Manor and Parish, having Right of Common upon the said common or waste Ground, are desirous that the same may be divided and inclosed, and that specifick Parts and Shares thereof may be assigned to each Proprietor, in proportion to his or her Interest therein; and that a Recompence or Satisfaction may be made to the Rector of the said Parish, and his Successors, in lieu of the Tythe of Corn and Hay which may hereafter arise upon the Lands inclosed by virtue of this Act; and that the said Common may be enjoyed in Severalty for ever by the Rector and the respective Persons having Right of Common therein, subject to such Rules, Directions, and Provisoos, as are herein after declared touching the same:

And although the said Division and Inclosure will tend greatly to the Advantage of the Parties concerned, **Yet** the same cannot be effectually established without the Aid of Parliament:

May it therefore please Your most Excellent MAJESTY,

That it may be **Enacted**; **And be it Enacted**, by the KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That *William Brownrigg, Esquire, Anthony Ponsonby, Thomas Hartley, Timothy Nicholson the Elder, Robert Wilkinson, Peter Peele, James Spedding, and John Jackson*, Gentlemen, and their Successors, such Successors to be elected in manner herein after-mentioned, shall be Commissioners for the dividing and inclosing the said common or waste Ground (save such Part thereof as hath been appropriated and assigned unto the said Sir *James Lowther*, as herein after-mentioned), and for putting this Act in Execution: And the said Commissioners, or any Three or more of them, are hereby authorized and required to cause a true, exact, and perfect, Survey and Admeasurement of the said common or waste Ground (save such Part thereof as hath been appropriated and assigned unto the said Sir *James Lowther* as herein after-mentioned), to be made and laid before them by such Person or Persons as the said Commissioners, or any Three or more of them, shall appoint, as soon as conveniently may be after the Passing of this Act; in which Survey the Number of Acres, Roods, and Perches, contained in the said common or waste Ground so to be admeasured as aforesaid, shall be set forth and ascertained.

And it is hereby further Enacted, by the Authority aforesaid, That the said Commissioners, or any Three or more of them, shall have full Power, and they are hereby authorized and required, after the said Survey and Admeasurement shall have been made and laid before them as aforesaid, and before the Twenty-ninth Day of *September* One thousand Seven hundred and Sixty-one, or as soon after as conveniently may be, to set out and divide the said common or waste Ground (save and except such Part thereof as hath been appropriated and assigned unto the said Sir *James Lowther*

Lowther as herein after-mentioned), unto and amongst the Rector and the several Persons having Right of Common thereon, in proportion to, in lieu of, and as a Compensation for, their several Properties within the same; subject nevertheless to the Rules, Orders, and Directions, herein after contained.

And whereas Sir *James Lowther*, Baronet, in Right of his Demesne and other Lands and Estates lying within the said Manor and Parish, would, upon an equal Distribution of the said common or waste Ground, be intitled to Two Thirds thereof; and as the remaining Third Part, when divided amongst the rest of the Proprietors, would, in some Instances, be very inconsiderable; the said Sir *James Lowther*, at the Desire of the rest of the Proprietors, and to promote the Execution of so beneficial an Undertaking for their Accommodation, is willing and desirous to accept of One Moiety or Half Part of the said common or waste Ground, to be held in Severalty, in lieu of, and as a full Satisfaction and Compensation for, his Right of Common therein:

And whereas One Moiety thereof hath already been appropriated, assigned, and set out, with the Consent and Approbation of all Persons interested therein, to and for the Use of the said Sir *James Lowther*, to be held by him in Severalty, as Parcel of the Demesne of his said Manor of *Morresby*; that is to say, All that Part of the said common or waste Ground lying on the South and East Sides of the said Common, the Boundary whereof, separating and dividing the same on the North West from the Residue of the said common or waste Ground intended to be inclosed, beginning at the South Corner of *James Gibson's* House, near a certain Place called or known by the Name of *Croft Morras*, and extending from thence in a strait Line, running near East-South-East, in Length about Two thousand Five hundred and Fifty Yards, until it come to and joins upon the Rivulet called *Keekle*, about Four hundred and Fifty-five Yards West-North-West from a certain Place called *Souter Stone*, the Whole containing by Admeasurement Five hundred and Thirty Acres, or thereabouts:

Be it therefore Enacted, by the Authority aforesaid, That the said Sir *James Lowther* shall and may, **and it is hereby Enacted and Declared**, That the said Sir *James Lowther*, his Heirs and Assigns, shall and do, at all times hereafter, have, hold, and enjoy, the said Moiety or Half-part of the said common or waste Ground so appropriated and assigned to him in Severalty, as Parcel of his Demesne of his Manor of *Morresby*, in full Recompence and Compensation, and in lieu of, his Right of Common in the said waste Ground, either as Lord of the said Manor, or in respect of his several Estates within the same; and that all and all manner of Right of Common, Common of Pasture, or Common of Turbary, and all other Right and Interest of any other Person or Persons whatsoever upon the said Share of the said common or waste Ground, so appropriated and assigned to the said Sir *James Lowther*, his Heirs and Assigns, in Severalty, shall from henceforth cease and be for ever extinguished and barred.

And

And be it further Enacted, by the Authority aforesaid, That a Rent-charge or yearly Sum of Three Pence *per Acre*, for each Acre of Land, Statute-measure, to be inclosed by virtue of this Act, shall be paid to the said *William Watts*, Rector of the said Parish of *Morresby*, and to his Successors, Rectors of the said Parish, for ever; which said Rent-charge or yearly Sum shall be clear of all Deductions whatsoever (except Land Tax), and shall be paid to the said Rector, and his Successors, for ever, in lieu of, and in full Compensation for, the Tythe of Corn and Hay yearly arising or to arise within any of the Lands and Grounds which shall be inclosed by virtue of this Act; which said yearly Sum of Three Pence *per Acre* shall be paid yearly and every Year to the said Rector, and his Successors, Rectors of the said Parish, upon the Feast Day of Saint *Michael the Archangel*; the First Payment to be made upon the said Feast Day, which shall be in the Year of our Lord One thousand Seven hundred and Sixty-two.

Provided always, and it is hereby further Enacted and Declared, That if the said Rent or yearly Sum of Three Pence *per Acre*, or any Part or Proportion thereof, shall be behind or unpaid by the Space of Thirty Days next after the Day when the same shall become due, then and so often, and from time to time, it shall and may be lawful to and for the Rector of the said Parish for the Time being, to enter into and make Distress of any Goods, Cattle, or Chattels, being upon such specifick Part or Parts, Share or Shares, of the Lands and Grounds which shall be, by virtue of this Act, charged with, or out of, or for or in respect of which, shall be payable that Dividend, Share, or Proportion, of the said Rent or yearly Sum which shall be so behind or unpaid, and the Distress and Distresses from time to time taken to lead, drive, carry away, and sell or otherwise dispose of, for the Recovery of such Rent in Arrear, and all Costs and Expences, from time to time, attending such Distress and Distresses, in the same manner as any Landlord or Landlords may, by due Course of Law, for the Recovery of Rent; and also if it shall happen that the said Rent or Sum of Three Pence an Acre, or any Part or Proportion thereof, shall be behind and unpaid for the Space of Sixty Days next after any of the Days limited and appointed for Payment thereof, and no sufficient Distress be upon the Premises, that then and so often, and from time to time, it shall and may be lawful to and for the Rector of the said Parish for the Time being, into and upon such specifick Part or Parts of the Lands and Grounds inclosed by virtue of this Act, as shall be charged with that Dividend, Share, and Proportion, of the said Rent or yearly Sum which shall be so behind and unpaid, to enter into and upon any Part thereof, in the Name of the Whole of such specifick Part or Parts of the same Premises respectively, to his and their own Use, until thereby and therewith, or otherwise, all Arrears of the said Rent or yearly Sum of Three Pence an Acre, as shall be behind and unpaid, and all Costs, Charges, and Damages, sustained or incurred by reason of such Non-payment thereof, shall be fully paid, satisfied, and discharged.

Provided always, and be it further Enacted, by the Authority aforesaid, That the said Commissioners shall set out, apportion, and allot, the

the Remainder of the said waste Ground, not appropriated and assigned to the said Sir *James Lowther* as aforesaid, (except as herein after excepted) among the Rector and the rest of the Proprietors having Right of Common therein, in Proportion to the Rate paid among them, called the Purvey, or the Shares they respectively pay to the Land Tax.

Provided nevertheless, That nothing herein contained shall extend, or be construed to authorize and empower the said Commissioners, or any of them, to give any undue Preference to any of the Parties interested and concerned in the said intended Inclosure, in respect to their several Allotments; but that the said Commissioners, in making such Division and Allotments, shall have due Regard to the Quality, Quantity, Situation, and Convenience, of the Lands and Grounds belonging to each Proprietor, and of the Lands and Grounds to be set out and divided in pursuance of this Act.

And it is hereby further Declared and Enacted, That the said Sir *James Lowther* shall, in respect of the said Moiety of the said waste Ground, so apportioned and assigned unto him as aforesaid, make all the Hedges, Ditches, and Fences, necessary to be made for the inclosing the same, on the South and East Sides thereof, so far as his said Moiety of the said waste Ground, apportioned and assigned to him, doth extend, and for dividing and separating the said common and waste Ground from the Commons known by the Names of *Preston, Hensingham, and Weddiker Commons*; and that the Hedges, Fences, and Ditches, necessary to separate the said Allotment to Sir *James Lowther*, as aforesaid, and divide the same from the Residue of the said waste Ground, and all other Hedges, Ditches, and Fences, to be made for the inclosing and dividing the said common or waste Ground, pursuant to this Act, shall be made at or before such Time, and in such Manner, and at all Times hereafter repaired and maintained by such of the other Proprietors, as the said Commissioners, or any Three or more of them, shall award, order, and appoint.

And be it further Enacted, by the Authority aforesaid, That the said Sir *James Lowther* shall, and he is hereby authorized and required to ascertain, set out, and appoint, sufficient and necessary Roads and Ways through that Part of the said waste Ground apportioned and assigned to him as aforesaid, both public and private, of proper Assize and Breadth, the public Ways not being less in Breadth than Thirty Feet at the least, and also fix and set out sufficient Drains for carrying off the Water through the said Share of the said waste Ground, so apportioned and assigned to him as aforesaid; and the said Sir *James Lowther*, his Heirs and Assigns, shall, and they are hereby required, from time to time, and at all Times hereafter, well, effectually, and sufficiently, to repair and amend the same, at his and their own Expence, Costs, and Charges, and that the said Commissioners, or any Three or more of them, shall and may, and they are hereby authorized and required to ascertain, set out, and appoint, both public and private Roads and Ways, and also to appoint and set out public Drains or Ditches for the carrying off the said Water through the said

new Inclosures, Shares, or Divisions, so to be made as aforesaid by them, by virtue of and under the Powers vested in them by this Act, with the Assizes and Breadths thereof, so as all such public Highways and Roads shall be and remain Thirty Feet wide at the least (except Bridle or Footways, in case any such shall be set out by the said Commissioners); which said public Roads and Drains shall at all Times thereafter be repaired and kept in Repair by the Owners, Proprietors, and Occupiers, of Lands and Tenements within the said Manor and Parish of *Morresby* (save and except the said Sir *James Lowther*, his Heirs and Assigns), by an equal Pound Rate, Tax, or Assessment, to be made, rated, and collected, upon them, according and in proportion to the Rate called the Purvey, now paid by each Owner, Proprietor, and Occupier of Lands and Tenements within the said Manor and Parish, having any Share or Proportion of the said Common, apportioned or allotted by the said Commissioners; and that it shall not be lawful for any Person or Persons, after the making such new Roads as aforesaid, so set out by the said Sir *James Lowther*, or by the said Commissioners, to use any other Roads, either public or private, over the said new Inclosures, on Foot or with Horses, Sheep, Cattle, or Carriages; and also that it shall and may be lawful to and for the said Commissioners, or any Three or more of them, to divide and alter the Course of any Springs, Streams, or Currents of Water, within any Part of the said common or waste Ground, so to be set out and divided by them, for the conveying of Water, to and for the Benefit of the several Shares, Divisions, and Allotments, to be made as aforesaid.

And, for preventing Differences and Disputes relating to the said intended Inclosure and Division, **Be it further Enacted**, by the Authority aforesaid, That as soon as conveniently may be after the said Commissioners shall have completed and finished the said Division and Allotments of the said common or waste Ground, so by them to be made, they the said Commissioners, or any Three or more of them, shall prepare and draw up, or cause to be prepared and drawn up, an Award or Instrument, in Writing, which shall express and contain the Quantity, in Statute Measure, of Acres, Roods, and Perches, contained in the said common or waste Ground, so to be set out and divided by them, and the Quantity of each and every Part and Parcel thereof assigned and allotted to each of the Proprietors intitled to and interested in the same, and a Description of the Situation, Buttals, and Boundaries, of the same Parcels, Divisions, and Allotments respectively, and proper Orders and Directions for fencing and mounding the same, and for keeping the said Mounds and Fences in Repair, and for making and laying out proper Roads, Ways, Passages, Drains, and Water-courses, in and through the same Premises; and shall also express and contain such other Rules, Orders, Regulations, and Determinations, as they the said Commissioners, or any Three or more of them, shall think proper and necessary for completing and perfecting the said Inclosure, according to the Tenor and Purport of this Act; and such Award or Instrument shall be fairly ingrossed and written on Parchment, and signed and sealed by the said Commissioners, or any Three or more of them, and shall, within Six Calendar Months after the

the same shall be so signed and sealed as aforesaid, be inrolled either in his Majesty's High Court of Chancery, or Courts of King's-Bench or Common Pleas at *Westminster*, or by the Clerk of the Peace for the said County of *Cumberland*, to the end Recourse may be had to the same by any Person or Persons interested in the said intended Inclosure, for the Inspection and Perusal whereof One Shilling shall be paid, and no more, and a true Copy thereof (for which no more shall be paid than Two Pence a Sheet, each Sheet to contain Ninety Words), shall, from time to time, and at all times hereafter, be admitted and allowed in all Courts whatsoever as legal Evidence of the same; and the several Allotments and Divisions, and all Orders, Rules, and Determinations, so to be made as aforesaid, in and by such Award or Instrument, shall be binding and conclusive, unto and upon all the Parties interested in the said common or waste Ground, so to be set out and divided by the said Commissioners, and so intended to be inclosed as aforesaid; and that the several Divisions and Allotments to be made as aforesaid to the respective Proprietors, shall be in full Bar of and Compensation for all the Interest and Property which they prosecuted or claimed in the said common or waste Ground, before the Execution of the said Award or Instrument, and all and all manner of Right of Common, or Common of Pasture and Turbary, upon the said common or waste Ground, shall, immediately after the Execution of the said Award or Instrument, cease and be for ever extinguished.

And be it further Enacted, by the Authority aforesaid, That all and every Person and Persons, interested in the said intended Inclosure, of that Part of the said waste Ground to be set out and divided by the Commissioners aforesaid, shall, and they are hereby required to accept his, her, and their respective Divisions and Allotments, and to inclose, hedge, and fence the same, in such Manner and within such Time as the said Commissioners, or any Three or more of them, shall order and direct; and in case any Person or Persons shall neglect or refuse to accept of such his, her, or their Division, Allotment, or Allotments, and to inclose, hedge, and fence the same, in such Manner and within such Time as shall be so ordered and directed as aforesaid, or within Six Calendar Months afterwards, then every such Person or Persons, so neglecting or refusing, shall be totally excluded from having or receiving any Benefit or Advantage by this Act, and also from any Estate, Interest, or Right, to any of the Lands or Grounds intended to be inclosed, divided, or allotted, as aforesaid.

Provided always, That the Guardians, Husbands, Committees, or Trustees, of any Person or Persons, being Minors, under Coverture, Lunatics, beyond the Sea, or otherwise incapable by Law to accept, inclose, hedge, and fence, such Division or Allotments as aforesaid, shall be, and they are hereby enabled and required to accept thereof, and to inclose, hedge, and fence the same, for the Use of such Person or Persons so incapable as aforesaid.

Provided also, That the Non-claim or Non-acceptance of any Guardian, Husband, Trustee, or Committee, shall not exclude or any-ways prejudice any Person or Persons under such Disability or Incapacity, who shall accept of such their Division and Allotments, and inclose, hedge, and fence the same, within One Year after such Disability or Incapacity is removed.

And be it further Enacted, by the Authority aforesaid, That the said Commissioners, or any Three or more of them, shall, and they are hereby authorized and empowered, in their said Award to set out, apportion, fix, and allot, such Part of the said common or waste Ground, so to be set out and divided by them, as they shall think fit, to be used as a Stone Quarry or Quarries; and also such Part of the said common or waste Ground to be used for Turbary, by the several Persons having Right of Common, or Common of Turbary, upon the said common or waste Ground; which said Quarry or Quarries, Piece or Pieces of Ground for Turbary, shall be used and enjoyed in common by all and every Person and Persons having a Right of Common of Pasture and Turbary thereon; any thing in this Act contained to the contrary notwithstanding.

And it is hereby further Enacted, by the Authority aforesaid, That for the more convenient Situation and Disposition of the Lands contained in the said Common, so to be set out and divided by the Commissioners as aforesaid, with the other Lands of the several Proprietors, it shall and may be lawful to and for any of the Proprietors of the Lands, Tenements, or Hereditaments, inclosed or intended to be inclosed, by virtue of the Power vested in the Commissioners by this Act, to exchange all or any Part thereof, for any other Lands, Tenements, or Hereditaments, lying within the Parish of *Morresby* aforesaid; so as all such Exchange or Exchanges be made by and with the Consent and Approbation of the said Commissioners, or any Three or more of them, to be expressed and declared in such Award or Instrument to be made as aforesaid; and that all and every Exchange and Exchanges, so to be made as aforesaid, shall be good and valid, and effectual in the Law, to all Intents and Purposes whatsoever.

And it is hereby further Enacted, by the Authority aforesaid, That nothing in this Act shall be deemed, adjudged, or taken, to revoke, make void, alter, or annul, any Will or Settlement; or to prejudice any Person having or claiming any Jointure, Dower, Portion, Debt, or Incumbrance, out of, upon, or affecting, any of the Lands, Tenements, or Hereditaments, which shall be inclosed or exchanged in pursuance of this Act, or any Part thereof respectively; but that the several Lands, Tenements, or Hereditaments, so to be inclosed or exchanged as aforesaid, shall, immediately after such Division and Allotment or Exchanges shall be made as aforesaid, be, remain, and enure, to the several Persons to whom the same shall be appropriated, assigned, apportioned, allotted, or given in Exchange as aforesaid; and such Persons shall, from henceforth, stand and be seised thereof, to such and the same Uses, and subject to such and the same Wills, Settlements, Limitations,

mitations, Remainders, Charges, and Incumbrances, as the several Lands, Tenements, and Hereditaments, in lieu whereof such Division, Allotments, or Exchanges shall be made, now are, or should or would have been subject and liable to be charged with, or affected by, in case the same had remained uninclosed or unexchanged, or this Act had not been made.

Provided always nevertheless, and be it Enacted, That all and every Lease and Leases subsisting of all or any Part of the Lands, Tenements, or Hereditaments, by virtue of this Act to be exchanged as aforesaid, and all other Agreements for any Time or Term therein, shall immediately, upon such Exchanges being made, cease, determine, and be utterly void, and the respective Lessees or Tenants thereof shall have and receive, of the respective Owners and Proprietors of such Lands, Tenements, or Hereditaments, such Satisfaction as the said Commissioners, or any Three or more of them, shall ascertain as reasonable to be paid to such Lessee or Lessees, Tenant or Tenants, on Account thereof, or as an Equivalent for the same.

And whereas several of the Owners of the Lands and Grounds in the said Common may have Occasion to borrow Money, to defray the Expences incident to the said Inclosure, and obtaining this Act, and cannot, by reason of some Settlement, Incumbrance, or other Impediment, make an effectual Security for that Purpose; **Be it therefore Enacted,** by the Authority aforesaid, That it shall and may be lawful to and for any such Owner or Owners, for the Time being, of such Lands or Grounds, so intended to be inclosed, or his, her, or their Guardian or Guardians, Trustee or Trustees respectively, to charge the Lands or Grounds which shall be allotted to them respectively, by virtue of this Act, with such Sum or Sums of Money as the said Commissioners, or any Three or more of them, shall direct and appoint, to be laid out and applied for the Purposes aforesaid; and for securing the Re-payment with Interest, to grant, mortgage, lease, or demise, such Lands or Grounds, to such Person or Persons, who shall advance or lend such Money respectively, for any Term or Number of Years, so as such Grant, Mortgage, or Demise, be made with a Proviso or Condition to cease and be void, or with an express Trust to be surrendered, when such Sum or Sums of Money, thereby secured, with the Interest thereof, shall be fully paid; and every such Grant, Mortgage, or Demise, shall be good, valid, and effectual in the Law, for the Purposes thereby intended; and the Interest of the Money so to be borrowed, shall, from time to time, be paid and kept down by the Person or Persons in Possession of the Premises, to be charged with such Sum or Sums of Money as aforesaid.

And it is hereby further Enacted, by the Authority aforesaid, That when and as often as any One or more of the Commissioners, appointed by this Act, or to be elected in Manner herein after mentioned, shall die or refuse to act, then in such Case, the surviving Commissioners, or any Three or more of them, shall, from time to time, within Three Calendar Months next after such Death or Refusal, by Writing under their Hands and Seals, appoint One or more Commissioner or Commissioners, not interested in the said intended Inclosure, in the Stead and Place of each and every Commissioner or Commissioners, so dying or refusing to act as aforesaid; and every

such Commissioner or Commissioners, so to be appointed, shall have the like Power and Authority, by virtue of this Act, as the Commissioner or Commissioners, in whose Place he or they shall succeed, was or were vested with; so that Notice be given in the Parish Church of *Morresby* aforesaid, upon a *Sunday*, immediately after Divine Service, of the Time and Place of Meeting, to appoint such Commissioner or Commissioners, at least Six Days before every such Meeting; and that the like public Notice shall be given, of the Time and Place of the First and every subsequent Meeting of the said Commissioners for executing the Powers hereby vested in them, Meetings by Adjournment only excepted.

And whereas the said Sir *James Lowther*, as Lord of the said Manor, is intitled to all the Royalties within the said Manor, and in particular to the Right of digging for, winning, and getting of Coals, Minerals, Iron Stone, Stone, Clay, and other Royalties, within the said common or waste Ground:

And whereas the digging for and winning such Coals, Minerals, Iron Stone, Stone, Clay, or other Royalties, and the laying them on the Grounds of any Person or Persons may be a Detriment to the Owners of the Lands to be divided and inclosed, by virtue of this Act:

Therefore, for preventing Disputes which may arise touching such Damages, **Be it further Enacted**, by the Authority aforesaid, That if at any Time, after the said Division and Inclosure shall have been settled by the said Commissioners, pursuant to the Directions of this Act, the said Sir *James Lowther*, his Heirs or Assigns, or any future Lord or Lords of the said Manor, shall enter upon or make Use of any of the Lands or Grounds directed to be inclosed by this Act, for the Sake of winning or getting any Coals, Minerals, Iron Stone, Stone, Clay, or other Royalties, or for laying the same, when got, upon any of the said Lands, he or they shall respectively pay the Sum of Five Shillings *per Acre*, by the Year, for every Acre, Statute Measure, which shall be used or any way damaged by the getting or winning such Coals, Minerals, Iron Stone, Stone, Clay, or other Royalties, or for laying the same thereon, when gotten, during such Time and so long as the same shall be so used as aforesaid,

And be it further Enacted, by the Authority aforesaid, That the said Sir *James Lowther*, his Heirs and Assigns, shall, and they are hereby authorized and impowered, from time to time, and at all Times hereafter, to make and use any Waggon or other Ways or Roads, for the better and more convenient Enjoyment of all or any of his or their Collieries or Mines, and for the Carriage of Coals or other Materials, or to make or cut Levels and Drains, for draining the said Pits or Mines, or other Purposes necessary or requisite about the same, and from time to time, for those Purposes, to enter upon any of the Lands and Grounds directed to be inclosed by this Act, for the making such Waggon or other Ways, Levels or Drains, and to occupy and enjoy and use the same, paying to the respective Proprietors of the Lands, which shall be used or otherwise damaged, by the making such Waggon Ways, Roads, or other Ways, or any Levels or Drains as aforesaid, after the Rate of Five Shillings *per Acre*, by the Year, for the

the Use of all such Lands so made use of or damaged, during such Time and so long as the same shall be so used as aforesaid.

And it is hereby further Enacted, by the Authority aforesaid, That the Charges and Expences incident to and attending the Obtaining of this Act, shall be defrayed by the said Sir *James Lowther*, and the Owners and Proprietors of the Lands and Grounds so to be inclosed (except the Rector of the said Parish and his Successors), in Proportion to their respective Shares, Rights, and Properties; and that the Charges and Expences incident to and attending the Surveying and Measuring the Lands and Grounds intended to be set out and divided by the Commissioners as aforesaid, and for dividing and allotting the same, by virtue of and under the Powers vested in the Commissioners by this Act, and of the Preparing and Inrolling the said Award or Instrument, and all other the Charges and Expences of the said Commissioners, and other necessary Expences in and about the Premises, shall be defrayed by the Owners and Proprietors of the Lands and Grounds so to be apportioned and allotted by the said Commissioners (except the Rector of the said Parish and his Successors), in Proportion to their respective Shares, Rights, and Properties, so allotted to them; and each Person's Proportion of such Charges and Expences shall be settled and determined by the said Commissioners, or any Three or more of them; and in case any Person shall refuse or neglect to pay his or her Share or Proportion of such Charges and Expences, within the Time to be limited by the said Commissioners, or any Three or more of them, to such Person or Persons as they shall appoint to receive the same, then the said Commissioners, or any Three or more of them, shall and may, by Warrant under their Hands and Seals, directed to any Person whatsoever, cause the same to be levied by Distress and Sale of the Goods and Chattels of every Person so refusing or neglecting to pay the same, rendering the Overplus (if any) to the Owner or Owners of such Goods and Chattels, after deducting the Costs and Charges of such Distress and Sale.

Provided always, and be it further Enacted, by the Authority aforesaid, That nothing in this Act contained shall prejudice, lessen, or defeat, the Right, Title, or Interest, of the Lord or Lords of the said Manor of *Morresby* (other than such Interest as is intended to be barred by this Act); but that such Lord, for the Time being, shall and may, from time to time, and at all times hereafter, hold and enjoy all Rents, Courts, Services, Perquisites and Profits of Courts, and all other Rights, Royalties and Privileges, incident, appendant, or belonging to the said Manor, as fully and beneficially, as if this Act had not been made.

Saving always to the KING's most Excellent MAJESTY, his Heirs and Successors, and to all and every other Person and Persons, Bodies Politick and Corporate, his, her, and their Heirs, Successors, Executors, and Administrators (Other than and except the said Sir *James Lowther*, and the other Persons intituled to the said Lands and Grounds intended to be inclosed as aforesaid, their Heirs, Executors, and Administrators); All such Estate, Right, Title, and Interest, as they, every or any of them, had and enjoyed, of and in the said common or waste Ground, so directed to be inclosed and divided as aforesaid, before the passing of this Act, or could or might have had or enjoyed, in case the same had not been made.

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Dividing and Inclosing an open Common within the Manor and Parish of Morrelby, in the County of Cumberland.